

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

DAVID LEON BANKS, JR.,

Movant

v.

CIVIL ACTION NO. 2:04-1102  
(Criminal No. 2:03-0059 and  
No. 2:03-0131)

UNITED STATES OF AMERICA,

Respondent

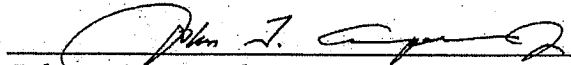
MEMORANDUM OPINION AND ORDER

The court having received the proposed findings and recommendation of the United States Magistrate Judge filed on October 5, 2005, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B); and having reviewed the record in this proceeding; and there being no objections filed by either the United States or the movant to the proposed findings and recommendation; and it appearing proper so to do, it is ORDERED that the findings and conclusions made in the proposed findings and recommendation of the magistrate judge be, and they hereby are, adopted by the court.

It is, accordingly, ORDERED that the movant's section 2255 motion be, and it hereby is, denied.

The Clerk is directed to forward copies of this order to the movant, all counsel of record, and the magistrate judge.

DATED: March 14, 2006

  
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John T. Copenhaver, Jr.  
United States District Judge